

REMARKS/ARGUMENTS

By this Amendment, claims 25, 26, 29, 33 and 34 are canceled and claims 12, 13 and 24 are amended. Claims 12- 24, 27, 28, 30-32 and 35 are pending.

Claim 12 is amended to correct a typographical error for the term “additionally.”

REJECTION UNDER 35 U.S.C. § 112:

The Examiner rejected claims 24, 25, 27, 28, 33 and 34 under 35 U.S.C. § 112 as being indefinite. The Examiner states that there is no antecedent basis for “the inner sleeve.” Claim 24 is amended to depend from claim 15 such that the issue with respect to antecedent basis is removed with respect to claim 24. Claims 27 and 28 depend from claim 24 such that there is no issue with antecedent basis. Claims 25, 33 and 34 are canceled.

It is therefore respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 112 and pass these claims to allowance.

REJECTION UNDER 35 U.S.C. § 103:

The Examiner next rejected claims 12, 13, 30 and 31 under 35 U.S.C. § 103(a) as being unpatentable over WO 99/11476 (Savage) and further in view of U.S. Patent No. 5,141,039 (Tansei). Based on the amended claims, this rejection is traversed for the reasons that follow.

Claim 12 is amended to add the limitation “and a clamping plate spaced remotely from said retaining plate and shaped so as not to interfere with one of said clamping bolts.” Support for this amendment can be found, for example, at Figure 4 of the drawings wherein the clamping

plate is referenced as item 38 (in contrast to the retaining plate which is referenced as item 36). Moreover, support for this amendment can be found on page 9, lines 4 -7 of the present specification (paragraph 0032 of the Published Application Ser. No. US 2005/0263231) which states “[t]he clamping plate 38 bridges the slot 28 and is shaped so as not to interfere with bolt 23(a). When bolt 23(b) is tightened the clamping plate 38 engages a sidewall of the segment (15) and pulls the two flanges 26, 27 axially together in a direction parallel to the axis of rotation of the wheel 11.”

The applicant respectfully submits that the claim, as amended, is distinguished from the Examiner's obvious argument, because if one of ordinary skill in the art were to combine the arrangement of Tansei, Figure 3 and column 3 lines 65 onwards, with the disclosure of Savage, he would end up with a totally different arrangement. That is to say, if one of ordinary skill in the art were to combine the two documents and introduce the plates 18 of Tansei (see, in particular, the oppositely located plates 18 in Figure 3), with the arrangement in Savage, one would end up with a pair of oppositely spaced retaining plates, through which both bolts in Savage pass. However, it is important to the invention that one of the clamping bolts can be operated independently of said clamping plate. In looking at the applicant's preferred embodiment shown in Figure 4, it will be clearly observed that of the two clamping bolts, whilst both pass through the one retaining plate 36, only one of them passes through and thereby actively engages the one clamping plate 38, the secondary bolt 32(a) being operable independently of the said clamping plate 38.

This difference is important because it provides the capacity of the system to operate as

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claimed in present claim 13. In the arrangement the Examiner makes in his obviousness rejection, both plates would simply act as retaining plates, each in the manner of, for example, item 36 in Figure 4 of the present application. However, there is no teaching or suggestion in either prior document to have one of the clamping bolts of Savage independently operable without affecting such a clamping plate. Savage fails to disclose such a clamping plate and, equally, Tansei fails to disclose such a clamping plate, as is now claimed.

The applicant respectfully submits that amended independent claim 12 is thereby distinguished from the purported combination of the two prior art documents relied upon by the Examiner. The minor amendments to dependent claim 13, which depends from claim 12, are necessitated by the amendments to claim 12, and are self explanatory (following the introduction of the feature of the clamping plate) and ensure that antecedent basis for all terms is proper.

It is therefore respectfully requested that the Examiner withdraw the rejection to independent claim 12. Claims 13, 30 and 31 depend from independent claim 12. It is therefore respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 103 to all of claims 12, 13, 30 and 31 and pass these claims to allowance.

Next, the Examiner rejected claims 15, 16, 18, 19, 21, 22, and 26-29 under 35 U.S.C. § 103(a) as being unpatentable over Savage and Tansei as applied to claim 12 above, and further in view of GB 2015439 (Corner). All of these claims were either canceled or depend, directly or indirectly, from independent claim 12, which, as stated above, is believed to be allowable. It is therefore respectfully requested that the Examiner withdraw the rejection to these claims under 35 U.S.C. § 103 and pass the remaining pending claims to allowance.

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ALLOWABLE SUBJECT MATTER:

The Examiner stated that claims 14, 17, 20, 32 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. However, applicant believes that claim 12, as amended, is allowable. Since all of claims 14, 17, 20, 32 and 35 depend, directly or indirectly from claim 12, all of these claims are believed to be allowable.

It is asserted that the pending claims, claims 12- 24, 27, 28, 30-32 and 35 are in condition for allowance. It is therefore respectfully requested that the Examiner withdraw the rejections and pass these claims to allowance.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for initial examination and allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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